

TITLE: CIB 85-17 AID Contractor Performance Evaluation Procedures
This CIB supersedes and cancels CIB 84-31, dated 12/12/84. This CIB
will continue in effect until cancelled.

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, DC 20523

7 June 1985

MEMORANDUM FOR ALL CONTRACTING OFFICERS

TO: Distribution List D-14 (LL)

FROM: M/SER/CM, Francis J. Moncada, Acting

CONTRACT INFORMATION BULLETIN 85-17

SUBJECT: AID Contractor Performance Evaluation Procedures
This CIB supersedes and cancels CIB 84-31, dated 12/12/84. This CIB
will continue in effect until cancelled.

This CIB sets forth procedures to be followed to assure that past contractor performance is given systematic consideration in the awarding of new direct AID contracts, and to reemphasize that AID project and contracting officer must deal promptly and effectively with poor contractor performance. Specifically, offerors/bidders will be required to provide references which the Agency will contact before awarding new AID direct contracts. The Technical Evaluation Committee ("the Committee") will obtain past performance information from offerors' references, and will provide a summary of this information to the contracting officer for consideration in the selection process. The contracting officer will obtain similar information from references supplied for procurements (i.e., IFBs and noncompetitive) which do not involve a formal Committee.

The procedures are outlined below. With the exception of Personal Services Contracts (PSC's), they apply to all new direct AID contracts over \$100,000 including "8(a)" contracts. They also apply to all Indefinite Quantity Contract awards regardless of value. These procedures may be applied to new direct AID contracts under \$100,000 at the discretion of the contracting officer.

1. Pre-Award Stage

a. Solicitations

(1) The contracting officer shall ensure that all solicitations/invitations contain the provision for obtaining appropriate data concerning past performance required by AIDAR 709.104-3(c).

2) The contracting officer shall (a) forward each offeror's technical proposal (including references) to the Committee; (b) request M/SER/CM/SD/SS to forward to the Committee a computer printout listing, for each offeror, all of its contracts, grants, and cooperative agreements with the Agency for the past three years, along with the names of the cognizant AID project officer for each instrument; and (c) supply the Committee Chairperson a copy of "AID Instructions for Technical Evaluation Committees" ("the Instructions") for each set of proposals to be evaluated. A set of these Instructions is attached.

b. Evaluation of Reference Checks

(1) The Committee shall conduct the normal evaluation of the proposals in accordance with the evaluation criteria except for the factor relating to past performance. It shall then conduct reference checks on past performance per paragraph A.4. of the Instructions for all the offerors who have submitted technically acceptable proposals.

(2) AID project officers shall, upon request of the Committee, furnish candid, accurate, and complete factual information for consideration by the Committee and/or the contracting officer. The information must be factual rather than opinion. If deficiencies in past performance are noted, mitigating circumstances, if any, should also be mentioned. The Committee shall have the option to expand the reference check described in paragraph A.4. of the Instructions, if appropriate, when additional sources are identified as a result of information received from the offeror's references or from other contacts.

(3) if the performance data on an offeror is all positive, the Committee may submit a summary statement to that effect. However, if any of the performance data on an offeror is derogatory, the Committee report will so note and all the information received, both positive and negative, will be furnished to the contracting officer together with the Committee's evaluation report.

(4) Evaluation of Proposals. The contracting officer will obtain and consider past performance data when no evaluation panel is involved.

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON DC 20523

Attachment for CIB 85-17

MEMORANDUM

TO: Project Officer

FROM: Contracting Officer

SUBJECT: AID Instructions for Technical Evaluation Committees
Request for Proposal (RFP) No.

The technical proposals submitted in response to the referenced RFP will be provided to your office immediately after the RFP closing date. The procedures to be followed leading up to award of a contract are set forth below. Each member of the AID Technical Evaluation Committee ("the Committee") should be thoroughly familiar with these procedures.

A. TECHNICAL EVALUATION

1. A Committee, composed of a Chairperson representing the project office, a representative of the contracting office, and as appropriate, representatives from the desk, the Mission, the host government, and other concerned offices, shall be established by the cognizant Bureau. The function of the Committee shall be to evaluate all technical proposals pursuant to the evaluation criteria set forth in the RFP. will represent the contracting office as a nonvoting member and will be available as needed in an advisory capacity.

2. No contact relative to the RFP should be made with individual offerors before or during the Committee's proceedings without the concurrence of the contracting officer except as specified in paragraph A.4. and C.2. below. Such unauthorized contact may serve to disqualify an offeror, or in extreme situations, may result in termination of the procurement action. It should also be noted that after proposals have been received, and prior to award, no information regarding the number or identity of the offerors participating in the negotiation nor the results of the Committee's deliberations shall be made available to the public or to anyone whose official duties do not require such knowledge.

(5) Negotiations. The contracting officer shall consider the summary of past performance for those offerors/ bidders in the technically competitive range during the negotiation of the contract. The contracting officer shall not award a contract to an offeror/bidder where deficiencies in past performance have been identified to the contracting officer, unless those deficiencies have been discussed with the offeror/ bidder and addressed to the satisfaction of the contracting officer. Data furnished by the Committee, or obtained by the contracting officer, will be retained in the official contract files.

c. Responsibility Determination

The contracting officer shall also use the past performance evaluation summary, in addition to other relevant information, in determining the responsibility of the prospective contractor and shall maintain that summary in the M/SER/CM contract files for a period of three years.

2. Post-Award Stage

a. The AID Project Officer. It is the primary responsibility of the AID project officer to monitor a contractor's performance under any contract assigned to him/her for technical cognizance, and to record periodically written comments on that performance. The project officer shall bring any instances of poor performance immediately to the attention of both the contractor and the contracting officer.

b. The Contracting Officer. When instances of poor performance are brought to his/her attention, the contracting officer shall work closely with the AID project officer and the contractor to correct the situation through informal means or, if necessary, through formal "show cause" letters or termination procedures. Poor performance shall be dealt with promptly.

For further information concerning this Bulletin, please consult the AID/W Office of Contract Management, M/SER/CM.

Attachment: AID Instructions for Technical Evaluation Committees.

3. Each voting member must evaluate every proposal utilizing only the technical evaluation criteria set forth in the RFP. A scoring sheet is to be provided each member by the Chairperson. Each member's scoring sheets should be supplemented by a narrative which describes the strengths and deficiencies of each proposal.

4. Reference Check

(a) After the Committee has conducted the normal evaluation of the proposals in accordance with the evaluation criteria, it shall then conduct a reference check on past performance for each offeror who has submitted a technically acceptable proposal. The Committee shall obtain factual comment from a minimum of three (where possible) cognizant technical representatives (commercial or Governmental), and/or AID project officers, concerning the offeror's past performance with reference to the following factors where applicable:

- (1) Planning to achieve the project's purpose;
- (2) Managing adjustments in scope of work, funding, and scheduling, with timely notice to the cognizant technical and contracting officials;
- (3) Providing technically qualified staff (including key personnel) on a timely basis to achieve the project's purpose;
- (4) Responding to technical directions;
- (5) Adhering to the work schedule;
- (6) Providing home office support for the field team(s);
- (7) Developing working relations with the cooperating

- country's nationals;
- (8) Managing the provision of commodities;
 - (9) Administering participant training responsibilities;
 - (10) Training and utilizing local (in country) staffs;
- (11) Submitting reports as required.

(b) AID project officers shall, upon request of the Committee, furnish candid, accurate, and complete factual information for consideration by the Committee and/or the contracting officer. The information must be factual rather than opinion. If deficiencies in past performance are noted, mitigating circumstances, if any, should also be mentioned.,

(c) The Committee shall have the option to expand the reference check described in A.4. above, if appropriate, when additional sources are identified as a result of information received from the offeror's references or from other contacts.

5. Evaluation Report

Upon completion of the technical evaluation, the Chairperson shall send a memorandum to the contracting officer presenting the Committee's composite score and narrative findings for each offeror. The past performance of each offeror, who has submitted a technically acceptable proposal, must also be addressed in the memorandum even though it is not a scored factor. If the performance data on an offeror is all positive, a summary statement to that effect may be submitted. However, if any of the performance data on an offeror is derogatory all the information received, both positive and negative, will be furnished to the contracting officer. This data will be used:

- to assist the contracting officer in determining which offerors are technically responsible and capable of performing the contract;
- to assist the contracting officer in determining which proposals are in the competitive range;
- as a basis for negotiations with each competitive offeror with the purpose of improving the proposals; and
- as a basis for debriefing unsuccessful offerors.

The memorandum should also indicate those proposals containing deficiencies and the nature thereof, which make the proposals technically unacceptable. Copies of the Committee members' scoring sheets and the reference check data of A.4. above will be transmitted with the memorandum. If additional information is required to substantiate the scoring, the contracting officer will notify the Committee immediately.

B. COMPETITIVE RANGE

The contracting officer is responsible for determining the competitive range of proposals. Offerors not falling within the competitive range will be notified by the contracting officer that their proposals are no longer under consideration. A proposal is in the competitive range

unless it is so technically inferior or out of line with regard to price that meaningful negotiations are precluded, or, that there is no possibility that it can be improved to the point where it becomes acceptable. The decision shall not be based upon preestablished cutoff scores.

C. NEGOTIATIONS

1. The Federal Acquisition Regulation states that there are exceptional circumstances which permit an award without negotiations after receipt of initial proposals (FAR 15.610(a)). This is not the usual practice and rarely occurs in AID procurements. Written or oral negotiations are the customary practice, and they are required to be conducted with all responsible offerors who submitted proposals determined by the contracting officer to be within the competitive range. Committee members, the Chairperson, or another representative from the project office should be prepared to participate in discussions of technical areas that need to be dealt with during negotiations.

2. The Committee may wish to hold discussions with some or all of the offerors or their key personnel for purposes of clarifying proposed project performance. This may be accomplished through coordination with the contracting officer. When such discussions are held, questions by the Committee will relate only to the content of the written proposal as submitted. Modifications to the proposal will not be requested or suggested by the Committee. Changes to the proposal by the offeror may not be considered by the Committee unless these changes are submitted in writing to the contracting officer as a formal modification to the proposal.

3. Offerors with whom negotiations are conducted shall be informed of deficiencies in their proposals and offered the opportunity by the contracting officer to submit best and final offers by a specified date. The contracting officer may submit the technical portion of the best and final offers to the Committee for reevaluation which could involve rescoring and additional narrative statements. When there is a reevaluation by the Committee, the Chairperson will inform the contracting officer in writing of any changes in technical evaluations and rankings of the offerors which resulted from the best and final offers. If the results of the negotiations are considered unsatisfactory by the contracting officer, he or she may call for additional rounds of negotiations and best and final offers. In most cases, one round should be sufficient to make an award.

D. AWARD

Upon the conclusion of all negotiations, contract award will be made by the contracting officer to the responsible offeror judged best able to perform the contract in the manner most advantageous to the Government, price and other factors considered. Prior to that decision, the contracting office will normally consult with the cognizant technical office and the Committee Chairperson, as appropriate.

E. COMMITTEE INFORMATION

Please provide the names and organizational units of the Committee Chairperson and other voting members. We should also be advised of the Committee meeting times and places. It is our practice to have the contracting office representative attend at least the first committee meeting. Please contact our office if you need any further advice or assistance.